

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

03-12497 NG

2003 DEC 11 P 12:42

C.A. _____

PREMIER CAPITAL, LLC
Plaintiff,

v.

BEVERLY JOHNSON PENZELL,
d/b/a Law Office of Kris E. Penzell
and BEVERLY JOHNSON
PENZELL, as Personal
Representative of the Estate of
Kris E. Penzell
Defendants.U.S. DISTRICT COURT
DISTRICT OF MASS.

MAGISTRATE JUDGE

Boulet

AMOUNT \$	50
SUMMONS ISSUED	NTA
LOCAL RULE 4.1	
WAIVER FORM	
MCF ISSUED	
BY DPTY. CLK.	FOOT

10/11/03

DEFENDANTS' NOTICE OF REMOVAL

The Defendants, Beverly Johnson Penzell, d/b/a Law Office of Kris E. Penzell and Beverly Johnson Penzell, as Personal Representative of the Estate of Kris E. Penzell, hereby remove this action to the United States District Court for the District of Massachusetts pursuant to 28 U.S.C. §§ 1332 (a)(1), 1441(a)-(b), and 1446(a), and without waiving any defenses, including that there is no personal or subject matter jurisdiction over them. As grounds for the removal of this action, the Defendants state as follows:

1. The Plaintiff, Premier Capital, LLC, commenced a civil action in the Middlesex County Superior Court on or about August 21, 2003, captioned *Premier Capital, LLC v. Penzell Indiv., d/b/a and Personal Representative*, Middlesex Superior Court Civil Action No. 03-03486 ("the Removed Action"). Copies of the Summons and Complaint in the Removed Action are attached hereto as Exhibit A.

2. Service of the Summons and Complaint were effectuated on the defendants on or about November 19, 2003.

3. The plaintiff's Complaint seeks (a) treble damages for the defendants' alleged conversion and violation of M.G.L. c.93A, §§ 2 and 11 amounting to not less than \$853,000.00, plus interest; (b) plaintiff's reasonable attorney's fees and costs, pursuant to M.G.L. c.93A, §§2 and 11; and (c) a permanent injunction ordering that Beverly Johnson Penzell ("Penzell") her agents, attorneys, and assigns deliver to the plaintiff all documents and materials belonging to the plaintiff, and any money in connection with the collection matters received by Penzell in her individual capacity or as Personal Representative of the Estate of Kris E. Penzell. Accordingly, the matter in controversy exceeds the sum or value of \$75,000.

4. This Court has subject matter jurisdiction over this controversy pursuant to 28 U.S.C. §1332(a)(1).

5. According to the Complaint, the Plaintiff is a business incorporated in Delaware with its principal place of business in Massachusetts.

6. The Defendant Beverly Johnson Penzell, d/b/a Law Office of Kris E. Penzell, is an individual domiciled in Florida.

7. The Defendant Beverly Johnson Penzell, as Personal Representative of the Estate of Kris E. Penzell, is an individual domiciled in Florida.

8. This Notice of Removal has been filed within thirty (30) days after the Defendants received notice of the Complaint. The Plaintiff is being served with this Notice of Removal.

Respectfully submitted,

BEVERLY JOHNSON PENZELL, D/B/A LAW
OFFICE OF KRIS E. PENZELL, AND BEVERLY
JOHNSON PENZELL, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF KRIS
E. PENZELL

By their attorney,

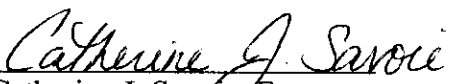
A handwritten signature in cursive script, reading "Catherine J. Savoie", written in dark ink over a horizontal line.

Catherine J. Savoie, BBO# 544599
POSTERNAK, BLANKSTEIN & LUND, L.L.P.
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
617.973.6100

CERTIFICATE OF SERVICE

I, Catherine J. Savoie, hereby certify that I have served the foregoing by first class mail postage prepaid, this 11th day of December, 2003 upon the following:

Thomas J. Morrissey, Esq.
Hoisington and Morrissey P.A.
1506 Drift Road
Westport, MA 02790.


Catherine J. Savoie, Esq.

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

FILED
SUPERIOR COURT CLERKS OFFICE
Civil Action No. 03-03486

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PREMIER CAPITAL, LLC
Plaintiff,

v.

BEVERLY JOHNSON PENZELL, d/b/a
Law Office of Kris E. Penzell and
BEVERLY JOHNSON PENZELL, as
Personal Representative of the Estate of Kris
E. Penzell

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS.

03 CV 12497 NG

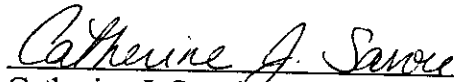
NOTICE OF FILING OF NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441(a)-(b) and 1446(d), and without waiving any defenses, in particular, that there is no personal or subject matter jurisdiction over them, defendants Beverly Johnson Penzell, d/b/a Law Office of Kris E. Penzell and Beverly Johnson Penzell, as Personal Representative of the Estate of Kris E. Penzell, hereby give notice that this matter is removed to the United States District Court for the District of Massachusetts. Attached hereto as Exhibit A is a copy of the Notice of Removal filed on this day in the United States District Court for the District of Massachusetts.

Respectfully submitted,

BEVERLY JOHNSON PENZELL, D/B/A LAW
OFFICE OF KRIS E. PENZELL, AND BEVERLY
JOHNSON PENZELL, AS PERSONAL
REPRESENTATIVE OF THE ESTATE OF KRIS
E. PENZELL

By their attorney,



Catherine J. Savore, BBO# 544599
POSTERNAK, BLANKSTEIN & LUND, L.L.P.
Prudential Tower
800 Boylston Street
Boston, MA 02199-8004
617.973.6100

Dated: December 11, 2003